

(d) *Authority to designate for hearing.* The Chief, Common Carrier Bureau shall not have authority to designate for hearing any formal complaints which present novel questions of law or policy which cannot be resolved under outstanding precedents or guidelines. The Chief, Common Carrier Bureau shall not have authority to designate for hearing any applications except applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

(e) *Authority concerning forfeitures.* The Chief, Common Carrier Bureau shall not have authority to impose, reduce or cancel forfeitures pursuant to Section 203 or Section 503(b) of the Communications Act of 1934, as amended, in amounts of more than \$80,000.

(f) *Authority concerning applications for review.* The Chief, Common Carrier Bureau shall not have authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau, pursuant to any delegated authority.

(g) *Authority concerning rulemaking and investigatory proceedings.* The Chief, Common Carrier Bureau, shall not have authority to issue notices of proposed rulemaking, notices of inquiry, or reports or orders arising from either of the foregoing, except that the Chief, Common Carrier Bureau, shall have authority, in consultation and coordination with the Chief, International Bureau, to issue and revise a manual on the details of the reporting requirements for international carriers set forth in §43.61(d) of this chapter.

(h) *Authority concerning the issuance of subpoenas.* The Chief of the Common Carrier Bureau or her/his designee is authorized to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Common Carrier Bureau. Before issuing a subpoena, the Bureau

shall obtain the approval of the Office of General Counsel.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303; secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1089; 47 U.S.C. 152, 153, 154, 155, 303, 307, 308, 309, 315, 317)

[44 FR 18501, Mar. 28, 1979; 44 FR 22078, Apr. 13, 1979, as amended at 45 FR 22945, Apr. 4, 1980; 45 FR 25399, Apr. 15, 1980; 45 FR 31723, May 14, 1980; 48 FR 23431, May 25, 1983; 49 FR 6908, Feb. 24, 1984; 50 FR 18489, May 1, 1985; 51 FR 13230, Apr. 18, 1986; 52 FR 35918, Sept. 24, 1987; 55 FR 30461, July 26, 1990; 57 FR 8579, Mar. 11, 1992; 57 FR 22181, May 27, 1992; 59 FR 66487, Dec. 27, 1994; 60 FR 5324, Jan. 27, 1995; 60 FR 35506, July 10, 1995; 61 FR 16230, Apr. 12, 1996; 63 FR 1035, Jan. 7, 1998]

§0.301 [Reserved]

§0.302 Record of actions taken.

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to the Chief.

[60 FR 35506, July 10, 1995]

§0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Common Carrier Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* That the Chief, Common Carrier Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer (For record of actions taken under this section, see §0.247).

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended; 47 U.S.C. 154, 155, 303)

[41 FR 7750, Feb. 20, 1976. Redesignated at 44 FR 18501, Mar. 28, 1979, and amended at 44 FR 39180, July 5, 1979; 51 FR 12615, Apr. 14, 1986]

COMPLIANCE AND INFORMATION BUREAU

§0.311 Authority delegated.

The performance of functions and activities described in §0.111 is delegated

to the Chief, Compliance and Information Bureau, provided that:

(a) The following matters shall be referred by the Chief, Compliance and Information Bureau to the Commission en banc for disposition:

(1) Notices of proposed rulemaking and of inquiry and final orders in rulemaking and inquiry proceedings.

(2) Applications for review of actions taken pursuant to delegated authority. (See §1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Compliance and Information Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of §97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Compliance and Information Bureau.

(d)(1) The Chief of the Compliance and Information Bureau is authorized to issue notices of apparent liability,

final forfeiture orders, and orders cancelling or reducing forfeitures, pursuant to §1.80 of this chapter, if the amount set out in the notice of apparent liability is \$20,000 or less. The Chief of the Compliance and Information Bureau is authorized to further delegate this authority.

(2) The Chief of the Compliance and Information Bureau is authorized to issue citations pursuant to §1.80(d) of this chapter and to further delegate this authority.

(e) The Chief of the Compliance and Information Bureau is authorized to make determinations and notifications of the presence of harmful interference to radio communications involving safety of life or protection of property which requires temporary suspension of operation under §74.23 of this chapter. Upon invoking the authority granted pursuant to this section, the Chief of the Compliance and Information Bureau shall immediately inform the Chairman of the Commission.

(f) The Chief, Compliance and Information Bureau, is authorized to issue non-hearing related subpoenas for the production of books, papers, correspondence, memoranda, and other records relating to investigations under the authority of the Communications Act of 1934, as amended. Before issuing a subpoena, the bureau shall obtain the approval of the Office of General Counsel.

(g) The Chief, Compliance and Information Bureau is delegated authority to grant waivers of the requirements of part 11 of this chapter to participants required to install, operate or test Emergency Alert System (EAS) equipment. The Chief, Compliance and Information Bureau is further authorized to delegate this authority. Waiver requests must be made in writing and forwarded to the FCC's EAS office 1919 M Street NW., Washington, DC 20554. Such requests must state the reason why the waiver is necessary and provide sufficient information such as, statements of fact regarding the financial status of the broadcast station, the number of other broadcast stations providing coverage in its service area or the likelihood of hazardous risks to justify a grant of the waiver.

(h) The Chief, Compliance and Information Bureau is delegated authority to execute in the name of the Commission all agreements pertaining to the loan of United States Government property to broadcast stations or other entities participating in the Emergency Alert System (EAS) for national defense purposes. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

(i)(1) The Chief of the Compliance and Information Bureau is authorized to rely on reports, documents or log entries made by the holder of an FCC General Radiotelephone Operator License, GMDSS Radio Maintainer's License, Second Class Radiotelegraph Operator's Certificate, or First Class Radiotelegraph Operator's Certificate as certification that the vessel complies with requirements of Articles XI, XII, and XIII of the Great Lakes Agreement. The Chief, Compliance and Information Bureau is authorized to delegate this authority.

(2) The Chief of the Compliance and Information Bureau is authorized to rely on reports, documents, or log entries made by the holder of an FCC license or Certificate—detailed in §80.59 of this Chapter—as certification that a U.S. vessel required to be equipped with a radio installation and inspected by the Commission or an entity designated by the Commission, under the Safety Convention or subparts Q, R, S, U, or W of part 80 of this chapter meets such inspection requirements. The Chief, Compliance and Information Bureau is further authorized to delegate this authority.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

[40 FR 17254, Apr. 18, 1975, as amended at 47 FR 1395, Jan. 13, 1982; 48 FR 37414, Aug. 18, 1983; 50 FR 37189, Sept. 12, 1985; 57 FR 18088, Apr. 29, 1992; 58 FR 13020, Mar. 9, 1993; 58 FR 68053, Dec. 23, 1993; 59 FR 26971, May 25, 1994; 59 FR 67092, Dec. 28, 1994; 60 FR 31256, June 14, 1995; 60 FR 35506, July 10, 1995; 60 FR 55998, Nov. 6, 1995; 60 FR 61662, Dec. 1, 1995; 61 FR 8477, Mar. 5, 1996; 61 FR 25805, May 23, 1996; 63 FR 29658, June 1, 1998]

§0.314 Additional authority delegated.

The Engineer in Charge at each installation is delegated authority to act upon applications, requests, or other

matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

(a)–(b) [Reserved]

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

(d) [Reserved]

(e)(1) For periodic survey as required by section 385 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and issuance of Communications Act radiotelephony certificates in accordance with §80.903 of this chapter. The District Director or Resident Agent will require that the inspection be conducted by an FCC-licensed technician holding an appropriate class of FCC license in accordance with §80.59 of this chapter.

(2) Extend the Communications Act Safety Radiotelephony Certificate for a period of up to 90 days beyond the specified expiration date.

(3) Grant emergency exemption requests, extensions or waivers of inspection to ships in accordance with applicable provisions of the Communications Act, the Safety Convention, the Great Lakes Agreement or the Commission's rules.

(f) [Reserved]

(g) To act on and make determinations on behalf of the Commission regarding requests for assignments and reassignments of priorities under the Telecommunications Service Priority System, Part 64 of the rules, when circumstances require immediate action and the common carrier seeking to provide service states that it cannot contact the National Communications System or the Commission office normally responsible for such assignments.

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an